

**REMARKS**

**Restriction Requirement**

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

Group I (claims 1-4) drawn to an isolated polypeptide and compositions comprising same.

Group II (claim 5) drawn to a method for using a polypeptide to screen a plurality of molecules in a sample to identify an agonist.

Group III (claims 6 and 7) drawn to an agonist and compositions comprising same.

Group IV (claim 8) drawn to a method for using a polypeptide to screen a plurality of molecules in a sample to identify an antagonist.

Group V (claims 9 and 10) drawn to an antagonists and compositions comprising same.

Group VI (claim 11) drawn to a method for using a polypeptide to screen a plurality of molecules in a sample to identify a compound which specifically binds said polypeptide.

Group VII (claim 12) drawn to a method for using a polypeptide to screen a plurality of molecules in a sample to identify a compound which modulates the activity of said polypeptide.

Group VIII (claims 13 and 14) drawn to a compound which modulates the activity of a polypeptide.

Group IX (claims 15-20) drawn to a method of using a polypeptide to prepare antibodies.

Group X (claim 21) drawn to a method for recombinant production of a polypeptide.

Applicants hereby elect, with traverse, to prosecute Group I, which includes and is drawn to Claims 1-4. Applicants object to the excessive restriction of claims, particular with regard to method claims 5, 8, 11-12, 15, and 18, all of which depend from and are of the same scope as product claim 1 of Group I, and could therefore be examined together with the product claims themselves without undue burden. Applicants further disagree that method claims 8, 11 and 12, all of which are drawn to a method of identifying a compound which modulates the activity of said polypeptide (i.e., an agonist or antagonist of the polypeptide) would require separate searches.

Applicants therefore request reconsideration of the Restriction Requirement and

examination of claims 1-5, 8, 11-12, 15 and 18. In the event the Examiner maintains the Restriction Requirement, the Examiner is reminded that claims 5, 8, 11-12, 15, and 18 are subject to rejoinder on allowance of product claim 1 as claims to **a process for making and/or using the product** of claim 1 in accordance with *In re Ochiai* and the MPEP § 821.04

Applicants reserve the right to prosecute the subject matter of non-elected claims in subsequent divisional applications.

**CONCLUSION**

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108**.

Respectfully submitted,

INCYTE CORPORATION

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